

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Umberg

February 22, 2005

An act to amend ~~Section~~ *Sections 3009 and 3017* of the Elections Code, relating to ballots.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, Umberg. Absentee ballots.

Existing law permits voters to receive absent voter ballots upon satisfying specified application requirements. If the elections official deems the applicant to be entitled to an absent voter's ballot, the elections official shall deliver the ballot by mail or in person to the applicant, his or her spouse, or his or her parent if the applicant is unmarried.

This bill would instead authorize the elections official to deliver the ballot to the applicant, his or her spouse, child, parent, grandparent, grandchild, sibling, or a person residing in the same household as the absent voter, as specified.

Existing law provides that an absent voter who, because of illness or other physical disability, is unable to return an absentee ballot, as specified, may designate specified individuals to return the ballot as indicated.

This bill would provide instead that any absent voter may designate specified individuals to return the ballot.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 3009 of the Elections Code is amended*
2 *to read:*

3 3009. (a) Upon receipt of any absentee ballot application
4 signed by the voter that arrives within the proper time, the
5 elections official should determine if the signature and residence
6 address on the ballot application appear to be the same as that on
7 the original affidavit of registration. The elections official may
8 make this signature check upon receiving the voted ballot, but the
9 signature must be compared before the absent voter ballot is
10 canvassed.

11 (b) If the elections official deems the applicant entitled to an
12 absent voter's ballot he or she shall deliver by mail or in person
13 the appropriate ballot. The ballot may be delivered to the
14 applicant, his or her spouse, ~~or his or her parent if the applicant is~~
15 ~~unmarried~~ child, parent, grandparent, grandchild, sibling, or a
16 person residing in the same household as the absent voter. The
17 elections official shall deliver the absentee ballot to the
18 applicant's spouse ~~or parent, child, parent, grandparent,~~
19 ~~grandchild, sibling, or a person residing in the same household~~
20 ~~as the absent voter only if the spouse or parent that recipient~~
21 signs a statement attested to under penalty of perjury that
22 provides the name of the applicant, his or her relationship to the
23 applicant, and affirms that he or she is authorized by the
24 applicant to deliver the absentee ballot.

25 (c) (1) If the elections official determines that an application
26 does not contain all of the information prescribed in Section 3001
27 or 3006, or for any other reason is defective, and the elections
28 official is able to ascertain the voter's address, the elections
29 official shall, within one working day of receiving the
30 application, mail the voter an absent voter's ballot together with
31 a notice. The notice shall inform the voter that the voter's absent
32 voter's ballot shall not be counted unless the applicant provides
33 the elections official with the missing information or corrects the
34 defects prior to, or at the time of, receipt of the voter's executed
35 absent voter's ballot. The notice shall specifically inform the
36 voter of the information that is required or the reason for the
37 defects in the application, and shall state the procedure necessary
38 to remedy the defective application.

1 If
2 (2) *If* the voter substantially complies with the requirements
3 contained in the elections official's notice, the voter's ballot shall
4 be counted.

5 If
6 (3) *In* determining from the records of registration if the
7 signature and residence address on the application appear to be
8 the same as that on the original affidavit of registration, the
9 elections official or registrar of voters may use the duplicate file
10 of affidavits of registered voters or the facsimiles of voter's
11 signatures, provided that the method of preparing and displaying
12 the facsimiles complies with law.

13 ~~SECTION 1.~~

14 *SEC. 2.* Section 3017 of the Elections Code is amended to
15 read:

16 3017. (a) All absentee ballots cast under this division shall be
17 voted on or before the day of the election. After marking the
18 ballot, the absent voter shall either: (1) return the ballot by mail
19 or in person to the elections official from whom it came or (2)
20 return the ballot in person to any member of a precinct board at
21 any polling place within the jurisdiction. However, an absent
22 voter who is unable to return the ballot may designate his or her
23 spouse, child, parent, grandparent, grandchild, brother, sister, or
24 a person residing in the same household as the absent voter to
25 return the ballot to the elections official from whom it came or to
26 the precinct board at any polling place within the jurisdiction.
27 The ballot must, however, be received by either the elections
28 official from whom it came or the precinct board before the close
29 of the polls on election day.

30 (b) The elections official shall establish procedures to ensure
31 the secrecy of any ballot returned to a precinct polling place.

32 (c) The provisions of this section are mandatory, not directory,
33 and no ballot shall be counted if it is not delivered in compliance
34 with this section.

35 (d) Notwithstanding subdivision (a), no absent voter's ballot
36 shall be returned by any paid or volunteer worker of any general
37 purpose committee, controlled committee, independent
38 expenditure committee, political party, candidate's campaign
39 committee, or any other group or organization at whose behest
40 the individual designated to return the ballot is performing a

- 1 service. However, this subdivision shall not apply to a candidate
- 2 or a candidate's spouse.

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